

Information Collection Request:

Construction and Development Effluent Guidelines - Proposed Rule
amendment to

Notice of Intent for Storm Water Discharges Associated with Construction
Activity under an NPDES General Permit

ICR No. 1842.03, OMB No. 2040-0188

Environmental Protection Agency
Office of Water
Office of Science and Technology

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1. Identification of the Information Collection

a. Title of the Information Collection

Notice of Intent for Storm Water Discharges Associated with Construction Activity under an NPDES General Permit
EPA ICR No. 1842.03; OMB Control No. 2040-0188

b. Short Characterization/Abstract

Introduction

This ICR requests OMB approval for new information requirements in a Notice of Proposed Rulemaking. The proposed rule, titled "Effluent Limitation Guidelines for the Construction and Development Point Source Category" (Effluent Guidelines) would amend existing information requirements in the National Pollutant Discharge Elimination System (NPDES) storm water permit program. The proposed effluent guideline requirements would add provisions to construction activities currently regulated by EPA's Phase I and Phase II NPDES storm water regulations. The Phase I rule covers construction sites disturbing 5 or more acres of land and the currently-approved ICR (No. 1842.02) includes these sites. The Phase II rule requires permit coverage for construction sites disturbing 1 to 5 acres and the requirements take effect on March 10, 2003. (Note: ICR No. 1842.02 does not include the burden for previously-promulgated Phase II requirements; EPA will submit a revised ICR covering the Phase II requirements later in 2002.)

The requirements of the regulatory options (Options 1 and 2) in the proposed rule are presented in Table 1. Option 3 (no regulation) consists of requirements presently covered by EPA's Construction General Permit (CGP) or in corresponding state construction permitting approaches and are considered to be baseline. Only one of these options will be selected for the final rule.

Table 1. Proposed Regulatory Options

Option	Description
Option 1 Sites 1 acre or greater	Develop and implement an inspection and certification provisions (including site log)
Option 2 Sites 5 acres or greater	Codification of the EPA CGP requirements (install erosion and sediment controls, prepare storm water pollution prevention plan, install sediment basins, 14-day soil cover) and inspection and certification provisions (including site log)

Background on Existing NPDES Requirements

The NPDES permit program, as authorized by the Clean Water Act (CWA), establishes regulations for the discharge of pollutants or combinations of pollutants to waters of the United States, including discharges of storm water from construction sites. EPA promulgated NPDES storm water regulations in 1990 (the "Phase I" storm water rule) covering construction sites with 5 or more acres of disturbed land. EPA promulgated the "Phase II" storm water rule in 1999, which extended coverage to sites of 1 acre or more. The Phase II permit requirements become effective in 2003.

NPDES permits are issued to dischargers by EPA regional offices and approved State agencies. Currently 44 states are approved to issue NPDES permits. While EPA and the States may issue case-by-case permits to individual construction sites, currently all sites are covered by general permits, whereby each agency publishes a notice of standard permit conditions applicable to all sites in its jurisdiction. Rather than submit a detailed permit application for a site, the construction site operator submits a brief Notice of Intent (NOI) form to the appropriate agency (EPA or State) and agrees to be subject to the standard permit conditions. The operator must submit the NOI to the agency before commencement of groundbreaking on the site, and thereafter may proceed with land disturbing activities unless otherwise notified. The general permits typically require that the operator implement various storm water controls (called "best management practices"), and inspect and maintain these controls until land disturbance is completed. At that time the operator must stabilize the soil on the site (e.g., through landscaping), and then the operator submits a Notice of Termination (NOT) to be released from the permit requirements.

Respondents currently submit NOI and NOT information in hard copy form. The permitting authorities enter the information into a computer database and file the original documents. Plans are underway to allow electronic submission of much of the required information. EPA's Office of Wastewater Management, Permits Division, each of the NPDES permitting authorities (EPA Regional offices for 6 states and the 44 authorized states, as well as the remaining EPA regional offices, will use the data contained in the NOIs, waiver certifications, storm water pollution prevention plans (SWPPPs), no exposure certifications, to track dischargers and to set appropriate permit conditions. Other organizations, including EPA's Office of Enforcement and Compliance as well as construction industry associations and environmental groups, will most likely use the same collected information to assess the regulated community's level of compliance and to measure the overall effectiveness of the NPDES storm water program for construction site discharges.

Background on the Proposed Effluent Guidelines for Construction and Development

The proposed effluent guidelines rule is scheduled for publication in the Federal Register in late May or early June 2002. This rulemaking is required by a consent decree in *Natural Resources Defense Council et al v. Whitman*. The consent decree requires that EPA take final action on the proposal by March 2004.

The proposed rule contains three regulatory options. Options 1 and 2 would add an identical new information requirement to the existing NPDES requirements for construction sites. Option 3 is a “no regulation” option.

The new information requirement proposed in Options 1 and 2 is for

- Developing and implementing an inspection program, as recorded in a site log
- Certification that all SWPPP provisions were implemented prior to termination of permit

See § 122.44(t)(2) in Option 1 and § 450.21(f) in Option 2 of the proposed rule.

The calculations performed for this ICR cover the burden and costs for construction establishments. The number of respondents total 86,275 and 71,663 for Options 1 and 2 respectively. These respondents would incur 753,091 and 625,966 average annual burden hours for Options 1 and 2 respectively.

2. Need for and Use of the Collection

a. Need and Authority for the Collection

The purpose of the Clean Water Act (CWA) is to restore and maintain the chemical, physical, and biological integrity of the Nation's waters. To meet that end, the CWA establishes the NPDES program to regulate the discharge of any pollutant or combination of pollutants from point sources into waters of the United States.

EPA is promulgating technology-based effluent limitation guidelines and standards (ELGs) for storm water discharges from construction sites required to obtain NPDES permits. The requirements in the ELGs would be incorporated into the storm water permits issued by EPA and states. EPA and authorized State permitting authorities already issue permits to discharge storm water under Phase I of the storm water program for construction sites of 5 or more acres. The permitting authorities plan to issue permits for the Phase II construction sites and need the information collection in order to:

- Ensure coverage small construction sites under NPDES general permits
- Identify the need to issue an individual permit in cases where a general permit will not adequately meet the objectives of the CWA,
- Provide a data source with which future NPDES storm water general permits will be developed with appropriate requirements and permit conditions that meet the objectives of the CWA
- Determine compliance with the general permits
- Compile statistics on national permit issuance, backlog, and compliance rates,

- Evaluate nationwide or area-wide water quality,
- Ensure consistency in storm water permitting,
- Prioritize permit issuance activities,
- Develop appropriate policy and budgets,
- Perform cost-benefit analyses,
- Respond to complaints from the public of possible non-compliance with permit conditions or no exposure certifications, and
- Respond to Congressional and public inquiries.

CWA Section 402(a), as amended, authorizes the EPA Administrator to issue permits for the discharge of pollutants if those discharges meet all applicable requirements of CWA Sections 301, 302, 306, 308, and 501 or any conditions the Administrator determines are necessary to carry out the provisions and objectives of the CWA. The authorization to issue permits for storm water discharges in particular is provided at Section 402(p). NPDES storm water regulations are found at 40 CFR 122.26.

CWA Section 308 authorizes the Administrator to require the owner or operator of any point source to maintain records, submit reports, conduct monitoring and/or sampling, and provide any other information reasonably necessary to carry out the objectives of the Act. The information being generated and collected will be for purposes of implementing this regulation based on the changes that are required. This information is intended to assist the permittee in determining the proper selection and design of construction site BMPs and help to ensure their effective implementation.

b. Practical Utility and Uses of the Information

The information requirements for each construction establishment respondent are listed in this section. Any particular construction respondent maintaining the site log book may engage in the following types of activities:

- Make available the site log book to the permitting authority and the public upon request.
- Certify, prior to the commencement of construction activities, that plans required by the permit meet all Federal, State, Tribal and local erosion and sediment control requirements and are available to the permitting authority.
- Conduct an assessment of the site prior to groundbreaking and certify that the appropriate best management practices described in plans required by the permit have been adequately designed, sized, and installed to ensure overall preparedness of the site for initiation of groundbreaking activities.
- Record the date of initial groundbreaking in the site log book.
- Certify that any inspection, stabilization and BMP maintenance requirements of the permit have been satisfied within 48 hours of actually meeting such requirements.

- Post at the site a summary of the site inspection activities on a monthly basis, as well as contact information for obtaining a copy of the site inspection log book.

3. Nonduplication, Consultations, and Other Collection Criteria

a. Nonduplication

EPA has examined all other reporting requirements contained in the CWA and 40 CFR Parts 122, 123, 124, 125, 403, 501, and 503. The Agency also has consulted the following sources of information to determine if similar or duplicate information is available elsewhere:

- The EPA Information Systems Inventory,
- The EPA Inventory of Information Collection Requests, and
- The Federal Information Locator System.

Examination of these databases revealed no duplicate requirements. EPA has concluded that no government information collection activity duplicates the information requested by the proposed effluent guidelines rule and therefore has no other way to obtain the information addressed in this ICR.

b. Public Notice Required Prior to ICR Submission to OMB

This ICR is scheduled for publication in the Federal Register in late May or early June 2002. The following statement appears in the Federal Register notice for the proposed rule.

The information collection requirements in today's proposed rule have been submitted for approval to OMB under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. An Information Collection Request (ICR) document has been prepared by EPA (ICR No.1842.03) and a copy may be obtained from Susan Auby by mail at Collection Strategies Division; U.S. Environmental Protection Agency (2822T); 1200 Pennsylvania Ave., NW, Washington, DC 20460, by email at auby.susan@epa.gov, or by calling (202) 566-1672. A copy may also be downloaded from the internet at <http://www.epa.gov/icr>. In today's proposed Option 2, 40 CFR 450.21(f) and (g) would require operators to maintain a site log. The equivalent provision in proposed Option 1 is 40 CFR 122.44(t). See section X.D. of today's notice for a description of these provisions. Table 2 presents the average annual burden for the site log requirement.

Table 2. Information Collection Burden for Proposed Regulatory Options

Respondent	Burden Over the Course of this ICR (hours)	Average Annual Burden Per Year (hours)
Option 1		
NPDES Authorized States	8,800	2,933
Construction Establishments	2,250,473	750,158
Total	2,259,273	753,091
Option 2		
NPDES Authorized States	8,800	2,933
Construction Establishments	1,869,099	623,033
Total	1,877,899	625,966

This estimate is the incremental burden above the currently-approved burden level for the EPA and State construction general permits. EPA has received OMB approval for the current permit requirements under control no. 2040-0188, "Notice of Intent for Storm Water Discharges Associated with Construction Activity under a NPDES General Permit."

In today's proposed Option 2, 40 CFR 450.21(a) would require permittees to prepare a Storm Water Pollution Prevention Plan (SWPPP). This requirement would essentially codify current CGP requirements and no additional burden would be imposed.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

An Agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15.

Comments are requested on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques. Send comments on the ICR to the

Director, Collection Strategies Division; U.S. Environmental Protection Agency (2822); 1200 Pennsylvania Ave., NW, Washington, DC 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th St., NW, Washington, DC 20503, marked "Attention: Desk Officer for EPA." Include the ICR number in any correspondence. Since OMB is required to make a decision concerning the ICR between 30 and 60 days after [Insert date of publication in the FEDERAL REGISTER], a comment to OMB is best assured of having its full effect if OMB receives it by [Insert date 30 days after publication in the FEDERAL REGISTER]. The final rule will respond to any OMB or public comments on the information collection requirements contained in this proposal.

c. Consultations

During the past several years EPA has discussed its plans for proposing Effluent Guidelines for the Construction and Development industry with interested stakeholders, including individual builders and developers, industry associations, citizen groups, and State and local storm water program managers. The consultations focused on the options for setting technical discharge standards; reporting and recordkeeping issues were not raised in these discussions. EPA is requesting comment on the new information requirements in the proposed rule.

d. Effects of Less Frequent Collection

Options 1 and 2 of the proposed rule would require a construction establishment (i.e., the construction site "operator" or permittee) to maintain the site log on a regular basis. Failure to regularly update the log with current inspection information would prevent the permitting authority, or the public, from determining that the operator is properly maintaining the erosion and sediment controls as required by the permit. (Maintenance and inspection of controls is the primary mechanism for determining compliance in construction site NPDES permits. Unlike most other NPDES permits, construction site permits typically do not include end-of-pipe discharge limitations and are not required to conduct discharge monitoring to demonstrate compliance.)

Each NPDES authorized state would develop and implement the inspection and certification program as a one-time activity. The effects of a less frequent collection are not applicable to this activity.

e. General Guidelines

This information collection complies with Paperwork Reduction Act guidelines at 5 CFR 1320.5 (d)(2). Requests for supplemental information for the purposes of emergency response or enforcement activities are exempt from the Paperwork Reduction Act requirements.

f. Confidentiality

Although highly unlikely, this information collection may contain confidential business information. If this is the case, the respondent may request that such information be treated as confidential. All confidential data will be handled in accordance with 40 CFR 122.7, 40 CFR 2, and EPA's Security Manual, Part III, Chapter 9, dated August 9, 1976. However, CWA sec. 308(b) specifically states that effluent data may not be treated as confidential.

g. Sensitive Questions

This information collection does not include sensitive questions.

4. Respondents and Information Requested

This chapter discusses the information requested from the permitted construction establishments.

a. Respondents/NAICS Codes

The construction activities subject to permit coverage include clearing, grading, and excavation activities that result in land disturbance of one or more acres. Activities that disturb less than one acre are not required to submit a permit application unless they are part of a larger common plan of development or sale resulting in a planned disturbance of 1 acre or more, or are designated by the NPDES permitting authority to be permitted due to the potential to contribute to water quality impairment.

The typical respondents ("operators" as defined in the general permits) are construction establishments, which are covered by NAICS codes 233 (Building, Developing and General Contracting) and 234 (Heavy Construction). In some cases, construction establishments may subcontract with consultants specializing in civil or environmental engineering, or erosion and sediment control, to submit the required information for storm water permits.

b. Information Requested

This section presents the data items, including record keeping requirements, and required respondent activities involved in preparing and submitting those data items.

Data Items, Including Record Keeping Requirements

The requirements of the Construction and Development Effluent Guidelines - Proposed Rule require construction establishments to maintain the site log. The record keeping requirements for this activity are described in the Table 3.

Table 3. Record Keeping Requirements

Proposed Regulatory Requirement	Option 1	Option 2
Make available the site log book to the permitting authority upon request.	40 CFR 122.44(t)(1)(i)	40 CFR 450.21(f)(1)
Record the date of initial groundbreaking in the site log book.	40 CFR 122.44(t)(1)(iii)	40 CFR 450.21(f)(3)
Certify that any inspection, stabilization and BMP maintenance requirements of the permit have been satisfied within 48 hours of actually meeting such requirements.	40 CFR 122.44(t)(1)(iii)	40 CFR 450.21(f)(3)
Post at the site, a summary of the site inspection activities on a monthly basis.	40 CFR 122.44(t)(1)(iv)	40 CFR 450.21(f)(4)

Respondent Activities

Construction Establishments

Respondent activities can vary substantially, depending on the type of construction and the characteristics of the construction site. However, the common activities for each of the information collection activities are listed in this section. Any particular construction respondent maintaining the site log book may engage in the following types of activities:

- Make available the site log book to the permitting authority and the public upon request.
- Certify, prior to the commencement of construction activities, that plans required by the permit meet all Federal, State, Tribal and local erosion and sediment control requirements and are available to the permitting authority.
- Conduct an assessment of the site prior to groundbreaking and certify that the appropriate best management practices described in plans required by the permit have been adequately designed, sized, and installed to ensure overall preparedness of the site for initiation of groundbreaking activities.
- Record the date of initial groundbreaking in the site log book.
- Certify that any inspection, stabilization and BMP maintenance requirements of the permit have been satisfied within 48 hours of actually meeting such requirements.
- Post at the site, a summary of the site inspection activities on a monthly basis, as well as contact information for obtaining a copy of the site inspection log book.

5. Information Collected: Agency Activities, Collection Methodology, and Information Management

a. Agency Activities

The Agency's activities as the NPDES permitting authority for six States and all U.S. Territories except the Virgin Islands are exactly the same for the 44 NPDES authorized States and the Virgin Islands and consists of processing and reviewing construction permit waiver certifications, NOIs, and NOTs.

b. Collection Methodology and Management

Each of the NPDES permitting authorities will have the ability to access the information kept at the construction site by the permittees. In addition to the SWPPPs, the site log must be made available for review by the permitting authority.

c. Small Entity Flexibility

For the proposed effluent guidelines, EPA conducted analyses required by the Regulatory Flexibility Act of 1980 (RFA) as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA). See section XIX.C. of the preamble in the proposed rule for a summary of these analyses.

Over the last few years, EPA has reduced reporting burdens on entities of all sizes. Applicants for storm water permits, for instance, do not need to submit any sampling data. The Agency specifically developed the general permit procedures to greatly reduce burden hours and costs associated with the individual application process.

Construction Site Log Requirement

The construction establishment must maintain a record of site activities in a site log book. Site inspections and maintenance are already required by the NPDES permits and the log book provision requires a simple recording of these activities. The efforts needed to maintain the log book are proportional to the size and complexity of the site, not the size of the business establishment involved. This provision does not pose a disproportionate burden on small businesses.

d. Collection Schedule

This is a recordkeeping requirement only. No collection of information is involved.

6. Estimating the Burden and Cost of the Collection

a. Estimating Respondent Burden

In this section, EPA presents estimated respondent burden on the construction establishments and NPDES Authorized States from the Construction and Development Effluent Guidelines Proposed Rule. The total burden per activity for the construction establishments are estimated over the three-year term of this ICR, and then divided by three to derive the average annual burden per activity. The total burden for the NPDES Authorized States are one time burden estimates for the first year of this ICR.

Burden on NPDES-Authorized States

The activities for NPDES authorized states include the development and implementation of inspection and certification provisions for Options 1 and 2 are presented in Table 4. This may require NPDES authorized states to modify their existing or general permit. The total burden associated with this activity was taken from the Cost Assessment from the Proposed Rule.

Table 4: NPDES Authorized State Burden

Information Collection Activity	Total Burden on Each NPDES Authorized State (Year 1 only) (hours)	Burden Over the Course of the Three Year ICR
Option 1		
Development and implementation of inspection and certification provisions	200	200
Total	200	200
Option 2		
Development and implementation of inspection and certification provisions	200	200
Total	200	200

Burden on Construction Respondents

The respondent activities for construction establishments in this ICR include the maintenance of a site log. The estimated burden of 8.7 hours for the site log maintenance for Options 1 and 2 was calculated by dividing the number of total hours calculated from the Cost Assessment to implement this task (752,564 hours) by the number of construction establishments engaged in construction activities on sites greater than 1 acre (86,225). The average number of sites a construction establishment must maintain is 1.3. This number was calculated by dividing the total number of construction sites greater than 1 acre (133,719) by the total number of construction establishments engaged in construction activity on sites greater than 1 acre (86,225). The burden for the construction establishments are summarized in Table 5.

Table 5: Construction Establishment Burden

Information Collection Activity	Total Burden on Each Construction Respondent (hours)	Burden Over the Course of the Three Year ICR
Option 1		
Site log	8.7	26.1
Total	8.7	26.1
Option 2		
Site log	8.7	26.1
Total	8.7	26.1

b. Estimating Respondent Costs

Because EPA has determined that there are no capital or operation and maintenance costs associated with any of the respondent activities, this ICR only includes labor costs in its estimates.

Costs to NPDES Authorized States

The cost to NPDES authorized states is calculated by multiplying the estimated total burden for each respondent by the labor rate of \$29.18 (2001 dollars). This labor rate was derived from inflating the rate used in the Phase II rule. The Phase II rate was based on the average hourly rate for state and municipal employees as determined by the U.S. Department of Labor, Bureau of Labor Statistics. The cost for Options 1 and 2 are summarized in Table 6.

Table 6: Cost to NPDES Authorized States

Information Collection Activity	Estimated Total Burden for Each Respondent	Labor Rate (\$ per hour)	Total Cost for Each NPDES Authorized State	Average Annual Cost to Each NPDES Authorized State (\$)
Option 1				
Development and implementation of inspection and certification provisions	200	29.18	5,836	2,933
Total	200	29.18	5,836	2,933
Option 2				
Development and implementation of inspection and certification provisions	200	29.18	5,836	2,933
Total	200	29.18	5,836	2,933

Costs to Construction Respondents

The cost to construction establishments was calculated by multiplying the estimated total burden for each respondent by the labor rate. It is assumed that an engineering assistant would perform all work from the construction firm. The fully loaded hourly wage rates in the construction industry for an engineering assistant is \$38.47 per hour. These rates are in 2001 dollars and are derived from the U.S. Department of Labor, Bureau of Labor Statistics. The results are presented below in Table 7.

Table 7: Costs to Construction Respondents

Information Collection Activity	Estimated Total Burden for Each Construction Respondent (hours)	Labor Rate (\$ per hour)	Total Cost for Each Construction Respondent (\$)	Average Annual Cost to Each Construction Respondent (\$)
Option 1				
Site log	8.7	38.47	334.69	334.69
Annual Total	8.7	38.47	334.69	334.69
Option 2				
Site log	8.7	38.47	334.69	334.69
Total	8.7	38.47	334.69	334.69

c. Estimating Agency Burden and Cost**Burden on the Agency**

The Agency burden incurred in managing and implementing the Construction and Development Effluent Guidelines - Proposed Rule as an NPDES permitting authority is exactly the same as the burden for the NPDES authorized States. See "Burden on NPDES Authorized States" in Section 6.a above.

Agency Costs

The hourly labor rate for the Federal Government was based on the average hourly wage rate Federal employees as determined by the U.S. Department of Labor. The mean hourly wage rate is \$31.82 (including 50% for overhead expenditures) in 2001 dollars. This hourly rate was used for the one activity performed by the Agency in this ICR.

EPA calculated the administrative costs for the information collection activity by multiplying the estimated burden by the hourly labor rate. The results are presented in Table 8.

Table 8. Agency Costs

Information Collection Activity	Estimated Total Burden for Each Construction Respondent (hours)	Labor Rate (\$ per hour)	Total Cost for Each Construction Respondent (\$)	Average Annual Cost to the Agency (\$)
Development and implementation of inspection and certification provisions	200	31.82	6,364	12,728
Total	200	31.82	6,364	12,728

Estimating Agency Universe

The Agency universe refers to the number of respondents that are within the 6 States where EPA is the permitting authority. The estimated Agency universe is presented in Table 9.

Table 9. Number of Respondents in Agency Universe

Information Collection Activity	Estimated Total Number of Respondents
Development and implementation of inspection and certification provisions	6

Total Agency Burden and Costs

The associated total burdens and costs for the Agency are presented in Table 10.

Table 10. Total Agency Burden and Costs

Information Collection Activity	Estimated Number of Respondents	Total Agency Burden per Respondent (hours)	Total Agency burden (hours)	Average Annual Burden (hours)	Agency Labor Cost (\$/hour)	Total Cost over the term of this ICR (\$)	Average Annual Cost (\$)
Development and implementation of inspection and certification provisions	6	200	1200	400	31.82	38,184	12,728
Total	6	200	1200	400	31.82	38,184	12,728

d. Estimating the Respondent Universe and Total Burden and Costs

The number of respondents, or construction establishments, is referred to as the respondent universe. Table 11 presents a summary of the number of respondents for each activity for Options 1 and 2. The number of construction establishments, 86,225 sites greater than or equal to one acre, and 71,613 sites greater than or equal to five acres, was derived from the EPA's cost assessment for the proposed rule. (See "Development Document for Proposed Effluent Guidelines for the Construction and Development Category," 2002).

Table 11. Number of Respondents

Information Collection Activity		Estimated Total Number of Respondents
OPTION 1		
NPDES Authorized States	Development and implementation of inspection and certification provisions	44
Construction Establishments	Site log	86,225
Agency	Development and implementation of inspection and certification provisions	6
OPTION 2		
NPDES Authorized States	Development and implementation of inspection and certification provisions	44
Construction Establishments	Site log	71,613
Agency	Development and implementation of inspection and certification provisions	6

Total Burden and Costs

Table 12 presents the estimate total burden and costs for the construction firm for the three year ICR term. Total burden and costs are calculated by multiplying the cost associated with each activity by the number of estimated respondents.

Table 12. Total Estimated Burden and Cost Summary

Information Collection Activity	Total Number of Respondents	Number of Activities	Total Burden over the course of this ICR (hours)	Average Annual Burden (hours)	Total Cost over the course of this ICR (\$)	Average Annual Cost (\$)
Option 1						
NPDES Authorized States						
Development and implementation of inspection and certification provisions*	44	1	8,800	2,933	256,784	85,595
Construction Firm Respondents						
Site log	86,225	1	2,250,473	750,158	86,575,677	28,858,559
Agency (EPA)**						
Development and implementation of inspection and certification provisions*	6**	1	1,200	400	38,184	12,728
Total	86,275	3	2,260,473	753,491	86,870,645	28,956,882
Option 2						
NPDES Authorized States						
Development and implementation inspection and certification provisions*	44	1	8,800	2,933	256,784	85,595
Construction Firm Respondents						
Site log	71,613	1	1,869,099	623,033	71,904,250	23,968,083
Agency (EPA)**						
Development and implementation of inspection and certification provisions*	6**	1	1,200	400	38,184	12,728
Total	71,663	3	1,879,099	626,366	72,199,218	24,066,406

* One-time activity (burden and cost annualized over 3 years)

** Agency burden is not included in respondent burden calculations in Table 13.

e. Bottom Line Burden Hours and Cost

The bottom line burden hours and cost are the sum of all the hours and costs incurred for each NPDES authorized state to develop and implement the inspection and certification provisions and the construction establishment to maintain a site log. Table 13 provides a summary of all data presented in this ICR and represents the total number of respondents, activities, and annual burden hours, and the annual cost for the Construction and Development Effluent Guidelines Proposed Rule (see "Development Document", op.cit.)

This ICR calculated burden and cost for construction establishments. The combined bottom line totals for the respondents are 86,275 and 71,663 respondents performing two information collection activities for Options 1 and 2 respectively. These activities result in an average burden hours of 753,091 and 625,966 for Options 1 and 2 respectively. These activities result in 29,956,882 and 24,066,406 average annual cost for Options 1 and 2 respectively.

f. Reason for Changes in Burden

This is a new ICR to reflect the incremental increase of burden to the existing NPDES program due to the Construction and Effluent Guidelines - Proposed Rule. Therefore because this is not a renewal ICR, there is no change in burden at this time.

g. Burden Statement

Table 13 presents the average annual burden for collecting information required by the Construction and Development Effluent Guidelines Proposed Rule.

Table 13. Burden Statement for Each Respondent

Respondent	Burden Over the Course of this ICR (hours)	Average Annual Burden Per Year (hours)
Option 1		
NPDES Authorized States	8,800	2,933
Construction Establishments	2,250,473	750,158
Total	2,259,273	753,091
Option 2		
NPDES Authorized States	8,800	2,933
Construction Establishments	1,869,099	623,033
Total	1,877,899	625,966

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, Collection Strategies Division, U.S. Environmental Protection Agency (2822T), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, DC 20503, Attention: Desk Officer for EPA. Include the EPA ICR number and OMB control number in any correspondence.